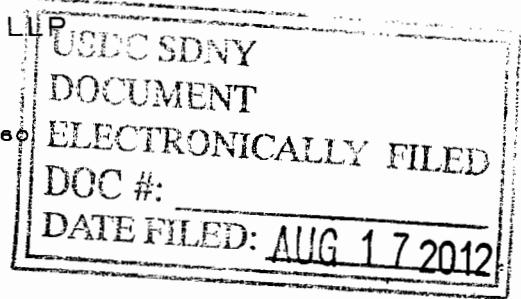




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August 16, 2012

The Honorable Laura T. Swain
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

NOT ENDORSED

Re: *FDIC as receiver for Citizens National Bank and Strategic Capital Bank v. Bear Stearns Asset Backed Securities I LLC et al.*, Case No. 12-cv-4000-LTS

Dear Judge Swain:

We represent Defendants Merrill Lynch Mortgage Investors, Inc., Merrill Lynch Mortgage Capital Inc., and Merrill Lynch, Pierce, Fenner & Smith Inc. (collectively, "Merrill") in the above-referenced case. We write in response to the Court's August 15, 2012 order to confirm that Merrill continues to seek a pre-motion conference concerning a motion to sever the claims asserted against it and to reassign the severed claims to Judge Kaplan. Merrill believes that whether it has been properly or improperly joined in this suit under the standards of FRCP 20, and whether the claims against it should be reassigned under Local Rule 13(a) on the ground that they are related to other claims already pending against Merrill in several other mortgage-backed securities cases, are threshold questions that are appropriately addressed at this juncture. Accordingly, Merrill requests that the pre-motion conference go forward.

Due to a scheduling conflict that has developed on the part of counsel, Merrill respectfully requests that the conference (currently scheduled for September 14, 2012), be held earlier that week or on such other date as is convenient for the Court. Thank you for your consideration of this matter.

Sincerely,

Marc T.G. Dworsky

Marc T.G. Dworsky

cc: All counsel

*The conference is
adjourned to
September 27, 2013, at
10:30 AM.*

SO ORDERED.

NEW YORK, NY

Aug 17, 2012 **AURA TAYLOR SWAIN**
UNITED STATES DISTRICT JUDGE